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SECTION II. PROPERTY

1. Property in General

421 The Banyarwanda have a less abstract idea of property than we have. It is comparable to that of possession.

On the other hand, no differentiation is made between personal property and real estate. Property is given different names according to its nature and use. The Banyarwanda divide their property [into the following categories]: amatungo (animals); ibintu, a generic name applicable to the ruغو, imilima (fields); ubgatsi (pasturage); imyaka (crops); and urutoke (banana plantations); ibiti (trees); intwaro (weapons and cutting instruments); ibikolesho (hoes, pickaxes, baskets, churns); imyambaro (clothing).

2. Landed Property

423 True landed property exists in Ruanda, while in the Belgian Congo the natives consider that the bare ownership of the land belongs to the souls of the departed and that they themselves only have usufruct.

[643] All the land in the country belongs to the Mwami who relinquishes its use successively to the various chiefs and subchiefs. These, 423 in turn, cede an isambu (land sold) or concede an umwatano (land 425 leased) to the Bahutu in consideration of a price or a payment consisting of a certain percentage of future crops (ichyata umulima, lit., 427 gift in order to have a field).

The Muhutu holds his land in a more or less precarious way. Even if he makes his payments regularly [42] his land may be taken away from him one day, if, for example, he neglects to pay the customary dues to the chiefs and the king. In this case he may be deprived of all or part of his land, but the last crop is not taken from him (1).

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1. An appreciably different administration of property exists in the western part of Bunyambiriri, the extreme north of Ndiza,

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c) Classification by age (cont'd)

2. FEMALE CATTLE

Isave, cow sterile from birth (thin)

Urubeheri, cow sterile from birth
(fat)

d) Classification of Cattle According to Horns

Igaritse, with large spreading horns

Impotore, with horns whose points are slightly twisted

Ingarure, with twisted horns whose points go forward

Inkungu, without horns

[48]

Intenderi, with horns whose points point toward the ground

Inkungu y'indegeri, with small mobile horns

Ikubis'ihembe, with one vertical and one horizontal horn

Itigey'inyumá, with horns whose points point backwards

Itez'akamosd, with crossed horns

Urubindo, with horns whose points point towards the ears

Itigey'ijuru, with large almost vertical horns

e) Classification of Cattle According to Common Law

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[622]

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IMBATA. Head of cattle received as dowry, as a present, or bought in the market, and whose owner is the true proprietor. But if, in putting himself under the patronage of the hill or provincial chief (1) he receives from either of them one or several cows called

1. See further on, Obligations and
Contracts, p. 63.

inkazibiti or ingabane, according to whether he is a Muhutu or a Mututsi, all the imbata cows can be taken away from him with the others, should he lose his status as a client, by an arbitrary decision of his patron.

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If a Muhutu receives from a Mututsi some heads of cattle in virtue of the contract called ubugaragu (lease of livestock) (1),

1. See further on, Obligations and

Contracts, p.63.

23) and if after a few years by selling the young bulls, the skins, the
422 horns, the milk, and the butter, he has made enough money to
● 427 buy a head of cattle, the latter is not an imbata, but an impahano (2).

2. Cf. Property, Ownership of Cattle,
P. 43.

422 If a Muhutu, the umugaragu of a Mututsi, marries his
583 daughter and receives a milch cow as dowry, the latter is not an
192 imbata, but an inkwano, and the shebuja of the son-in-law can take
231 it back. In effect, it is the social position of the Muhutu which en-
titled him to collect a dowry in cattle. If he had not been a client
of a Mututsi, he would have received as dowry only hoes or goats.
[49]

231 INTUNDANO. (1) Cow bought in the market with the salary

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1. From kutunda, "to do business."

earned at the mines in exchange for goats or baskets of beans. It
is an imbata.

INDUNDU. Cow acquired in immediate full ownership without
the condition that the buyer should later make an additional pay-
ment. Indundu is opposed to ingwate (2).

2. See further on, p. 46.

[431] INKAZIBITI. Cows given without fee by the patron to a client
who has paid homage (guhakwa). To take possession of cows
promised by the shebuja is called kuja ku ilembo (lit. , to cross
the threshold of the ruko). The first cow received under these con-
ditions is called inka y'igiti (3); the second, impetano; the others

3. Literally, "cow of the tree-trunk."

do not have a special name. A father can also give some inkazibiti
to his wives and sons.

192 IMPONGANO. A cow given to appease the anger of the king or
231 one of the provincial chiefs.

431 2) A cow given to a friend of the Mwami to thank him for his intervention with the king.

IZIMANO. The first time a great provincial chief goes to visit another, the host gives his guest a milch cow.

Similarly, if the king or a provincial chief visits one of their abagaragu, he is given a calf.

INJISHYWA. A cow that accompanies a noble Mututsi when he visits a provincial chief or the Mwami on business or to pay homage. It is meant to provide him with the milk necessary for food.

427 INDAGIZO. (2). A cow which the depositor (uwaragiye) entrusts
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2. From kulagiza, "to give on trust in order to pasture."

to someone who owns a better pasture than his, but the trustee (uwaragiye) does not become umugaragu. The latter must return the cow when it has calved, but he has the right to the milk for two months if the cow is young, and for a fortnight if it is not. If the calf dies, the trustee has the right to the milk one day out of four.

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231 INTAHIRA (1). This is the best of the cows held by an umugaragu.
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1. From gutahira, "to come in front," "to precede," "to lead."

He always makes it walk at the head of the herd. The holder can take its milk (intagemura, lit., to keep the milk for one's self), but the calves must return to the owner.

192 INGWATE. Primus, who owns a bull calf (inguzwa) or a sterile
231 cow (also inguzwa), asks Secundus, who has a heifer (ingwate), if he is
431 willing to exchange on the following conditions:

a) If the heifer has a female calf (umukangara), Primus will keep it and its mother for a length of time to be agreed upon, usually two years. Secundus will then take back the cow and its calf and in addition will keep the inguzwa.

241 Urundi and Ruanda where water is abundant, crowned cranes,
 136 spore geese, and Nile geese are the worst enemies of the crops
 since they eat the young budding sprouts of beans, sweet potatoes,
 pumpkins, millet, etc. The Bahutu try to frighten them away
 by rattles and shouting. Ibises, herons, and golden plovers also
 abound in the swamp valleys, but they do not attack the green
 crops and prefer to fish for frogs, worms, and snails in the
 drainage ditches. In the dry quartzite regions of eastern Urundi
 there are only a few such swamp valleys, and consequently there
 are only a few of the noxious birds mentioned above.

251 Harvested produce is partly kept in baskets and sacks in
 the huts, but most of it is put in the basket-shaped storage huts
 mentioned above (p. 22) which are located near the living huts.
 Particularly beans, sorghum, and corn are stored in these basket-
 like huts. However, during the dry period ears of corn are sus-
 pended in large bundles from the fig trees surrounding the
 homestead. The tuberous fruit, namely, sweet potatoes, yams,
 manioc, and arrowroot, are usually not piled up but are left in
 the ground until they are needed. This is another reason why the
 quantity grown is never large, since it would spoil otherwise.

423 I mentioned before that further expansion of agriculture in
 Urundi is blocked by the peculiar conditions of ownership. The
 situation here is quite similar to that in Ruanda. None of the
 agricultural Bahutu owns the land that he cultivates. All the
 land is the property of the king who vests his high batwale with it,
 who in turn vest the lower Batussi batwale (see p. 134). The
mutwale distributes the individual lots of land to the Bahutu he
 rules, who hold it in fee. [57] The Bahutu must ask his per-
 423 mission whenever they intend to work a plot of land, build a hut,
 651 or clear new ground for fields. They pay him a tribute of natural
 products which is done only once. In addition, they pay him an
 • [427] annual "tithe" as a ground rent. If the annual rent is not paid
 at harvest time, the mutwale may punish this tardiness by evicting
 the person from the land. The mutwale may also demand extraor-
 dinary tributes from the Bahutu without compensating them, for
 example, presents for the head chief, provisions for the caravan
 of a European passing through, etc. The gifts or payments made

ECONOMIC PRODUCTION

At the end of the nineteenth century the ⁹¹inzu had no collective rights over certain areas except in the north of Ruanda (Mulera, 613
Rwankeri, Bushiru, Bigogwe) where the Tutsi occupation had 423
been more superficial. I have been told that there the soil belonged to the patrilineage and that there was no land or cattle chief. From the point of view of the individual, however, the situation was very similar: he inherited a share of his father's tract. The difference was that, if the part were insufficient, he had to apply for more [425]
to the lineage head instead of to the land-chief, and a plot left without heirs returned to the patrilineage instead of the political authority.

The person entitled to the use of a plot could not sell his right 423
but could let the tract. The rent was about one hoe every other 427
year plus a jug of beer each harvest. The tenant was not permitted to settle by building a hut or planting banana trees.

The Twa resented very much the expansion of fields and pastures 311
in the forests they regarded as their possession. The authority was not concerned with the way they divided it into hunting areas.¹

2. RIGHTS OVER CATTLE

The rights over each head of cattle were also manifold. Property 422
in the Western sense was split up into different aspects.

A global right existed over all Ruanda cattle, even sheep and 422
goats, by which the king could claim actual possession of any of 643
them. The mwami used this right more frequently, it seems, over cattle than over land. An important chief indulging in intrigues [662]
regarded as dangerous by the king might find himself dispossessed of all his cattle. The king's right over all the cattle of Ruanda was a constant threat which seems to have very effectively deterred the Tutsi of the ruling set from becoming too independent.

Another right was very similar to our bare ownership. The 422
person who had it was not in possession of the cow but could at any time claim possession of the animal and the heifers and cows produced by that beast since the time when the possession had been transferred. This was the right of the lord (*shebuja*).

In contrast there was the usufruct right with respect to cattle. The person endowed with it could dispose of the milk, the male increase of the cattle, and the dead cows. This was the typical right of the client (*garagu*).

¹ For a more extended account of the land tenure system in traditional Ruanda, see Maquet and Naisielki, 1957.